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C O N F I D E N T I A L SECTION 01 OF 03 STATE 129513

SIPDIS  
BAGHDAD FOR INL-I & ROLC  
JUSTICE FOR ODAG OPDAT ICITAP & CRM

E.O. 12958: DECL: 11/05/2019

TAGS: [IZ](#) [KCRM](#) [KDEM](#) [KJUS](#) [PGOV](#) [SNAR](#)

SUBJECT: IRAQI CHIEF JUSTICE MEDHAT VISITS U.S., SEEKS  
CONTINUED SUPPORT

Classified By: INL/I Director VSRamadan for reasons 1(b) and (d)

11. (SBU) SUMMARY. Since 2003, Iraqi Chief Justice Medhat Al-Mahmoud has been working closely with the U.S. Mission to Iraq to strengthen the Iraqi judiciary and the culture of the rule of law in Iraq. With the aim of expanding his understanding of judicial best practices, earlier this fall Chief Justice Medhat began a series of trips abroad. During his September 25-October 3 trip to the U.S., Medhat met with a wide number of government officials and NGO representatives, including Supreme Court Justice Stephen Breyer, Attorney General Eric Holder and Assistant Secretary of State David Johnson. Two weeks later, he traveled to Australia to attend the Fourth International Conference on the Training of the Judiciary. A theme repeated by the Chief Justice during both trips is that the Iraqi courts need assistance in developing ways to improve their performance and better insulate them from external and political influence. The trip was organized by the INL-Baghdad Rule of Law Team and sponsored by the United Nations Development Program (UNDP) and the National Center for State Courts (NCSC). END SUMMARY.

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Medhat a Key Actor in Judicial Reform Efforts  
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12. (SBU) Medhat began his career in the MOJ in 1960 as a judicial investigator. In the nearly fifty years since, he has served in nearly all facets of the Iraqi judiciary. He has been interim justice minister, court of cassation chief justice, and federal supreme court chief justice, a position he continues to hold concurrently with his posting as presiding justice of the Higher Judicial Council (HJC).

13. (C) The HJC holds constitutional status as the head of the Iraqi judiciary and the Iraqi constitution declares the judiciary an independent and co-equal branch of government. However, not all persons within the executive and legislative branches of the Iraqi government accept this status

unreservedly, and Medhat recognizes that the judiciary will, in the coming years, need to work hard to ensure that it retains its independence and gains widespread acceptance among the populace of its legitimacy.

¶4. (C) Since 2003, judges have come under great political and sectarian pressure and have had much difficulty pursuing cases involving organized crime, corruption, and militia activity. The limited, yet real, achievements made by the Iraqi judiciary since 2003 have in large part been the result of Medhat's efforts. A well-respected jurist and non-partisan advocate of judicial independence, Medhat maintains high standards for the rule of law.

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The U.S. Trip  
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¶5. (SBU) From September 25 to October 3, Medhat led a delegation to the U.S. which included four Iraqi judges. The trip was organized by Embassy Baghdad and sponsored by the UNDP, the NCSC,

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and the INL-managed Justice and Law Enforcement Assistance (JALEA) program.

¶6. (SBU) Medhat's visit began at the pinnacle of U.S. judicial institutions: the U.S. Supreme Court. There Medhat met with Justice Stephen Breyer and shared views on the subject of judicial independence. Medhat vigorously concurred with Justice Breyer when the latter expressed his belief that it is essential for a Supreme Court to steadfastly protect the independence of the judiciary and to uphold the Constitution, even when challenged by the other branches of government.

¶7. (SBU) Medhat held separate meetings at the Department of Justice with Attorney General Eric Holder and Deputy Attorney General David Ogden. Medhat thanked the AG for the assistance provided by DOJ professionals in the areas of corrections, the Major Crimes Task Force, the Rusafa Defense Clinic and the Central Criminal Court of Iraq (CCC-I). He further noted that both he and the AG share the view that law is a life's mission and not simply a profession. Medhat stressed the need for renewed and supplemental assistance in the areas of professional integration of the judiciary with the police and corrections systems, judicial administration, and training of investigating judges in forensics and complex criminal cases.

¶8. (SBU) In his meeting with the Deputy Attorney General (DAG), Medhat thanked the DAG for DOJ's history of assistance both to the judiciary (investigating and adjudicative judges), and also to the police, corrections officials, and the Commission on Integrity

(COI). The DAG pledged to continue to strengthen the partnership between the HJC and DOJ in areas that present ongoing challenges, such as judicial security (the CJ noted the partial implementation and need for formal ratification of the agreement with the Ministry of Interior (MOI) to provide judicial security), additional training for investigating judges, judicial investigators and police in forensics and complex crimes, and, particularly, significantly improved operational and informational integration and cooperation both between the HJC, MOI and the Ministry of Justice (MOJ), and within each ministry. Medhat stressed the need for additional professional training in judicial administration, criminal investigations, forensics, and managing complex criminal investigations, and thanked the DAG for his pledge to continue to strengthen the partnership between the HJC and DOJ in important areas such as judicial security and improved operational and GOI information integration. (Note: INL currently has programs to address these issues. The GOI,s failure to pass relevant legislation, however, has effectively paralyzed the development of HJC,s ability to develop its own internal judicial security. End Note.)

¶9. (SBU) At the State Department, Medhat met with INL's Assistant Secretary (A/S) David Johnson. Medhat thanked the A/S for the assistance provided to date, and emphasized the Iraqi

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judiciary's ongoing need and hope for additional aid. He commended INL for its programs that are helping to create an independent judiciary in Iraq. In particular he cited INL programs that provide essential security upgrades to courthouses around the country, help stem systemic corruption by providing training and capacity building within the COI, and INL's assistance in modernizing the administration of Iraqi courts and establishing the newly-operational Judicial Development Institute (JDI), which will become Iraq's central institute for continuing judicial education.

¶10. (SBU) In addition to his USG meetings, Medhat addressed the 10th Circuit Court of Appeals and the Council on Foreign Relations, attended a court technology conference and toured Courtroom 21, a joint project of NCSC and William and Mary College, and one of the most advanced trial and appellate courtrooms in the world, and participated in roundtable discussions at the State Department and the World Bank.

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Australia Trip  
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¶11. (SBU) Medhat echoed his U.S. discussions during his October 23-30 trip to Australia, where he was part of the opening panel, "Chief Justices: Judicial Training as a Means to Strengthen Judicial Independence," at the Fourth International Conference on the Training of the Judiciary. During his opening

statement

to an audience of over 200 judges and judicial training specialists from around the world, Medhat stated that he was highly appreciative of donor support, including USG and EU. He characterized JDI as a "beacon of hope for the Iraqi judiciary." In Australia during the October 25 terrorist bombing of the HJC, Medhat commended his staff for being the "real heroes of the judiciary," as they set out to return to business a day after the shocking event. During a side conversation, he thanked INL for the tremendous moral and material support provided in the wake of the bombing. After Australia, Medhat had intended to attend the International Court Administrators Conference in Turkey, but canceled at the last minute to return to Baghdad.

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Comment  
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¶12. (C) Although 76 years old, Medhat remains very much the heart of Iraq's judiciary. We have no indication that Medhat will retire anytime in the near future and, regardless of the impending 2010 national election's outcome, Medhat will likely keep his position at the HJC's helm. Medhat has also indicated that before he makes a decision to retire he will begin grooming a successor. This will provide a certain stability to the judiciary during a period when other organs of government will unavoidably be bogged down in coalition-building politics. At this time, the greatest variable is the yet-to-be-passed domestic court legislation, which has languished in the Council of Representatives since 2005 despite two readings. That legislation addresses, among other key issues, the succession process.  
CLINTON